

JENNIFER CRYSTAL MCDANIEL
and NELSON WAYNE MCDANIEL

Case Number:

**CITY OF CHATTANOOGA AND
FORTWOOD NEIGHBORHOOD
ASSOCIATION, INC.**

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2. The City was served with a copy of the Summons and Verified Complaint for Declaratory and Injunctive Relief by hand delivery on May 30, 2024, to the Office of the City Attorney.

3. This Notice of Removal is filed within the time allowed under 28 U.S.C. § 1446(b) as thirty (30) days have not yet expired since the City was first provided with a copy of the Summons and Complaint.

4. This action is a civil action in which the Plaintiffs allege that the City has enacted an ordinance which violates the First, Fourth, and Fourteenth Amendments to the U.S. Constitution, and Article I, Sections 7, 8, 19, and 22, and Article XI, Section 8 of the Tennessee Constitution. Plaintiffs seek to recover injunctive relief, costs, and expenses, including attorneys' fees allowed under federal law pursuant to 42 U.S.C. § 1988 as well as certain state law claims.

5. Pursuant to 28 U.S.C. § 1441(a), "Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

6. Pursuant to 28 U.S.C. § 1331, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

7. The case allegedly arises under the laws of the United States. Therefore, this Court has original jurisdiction, and removal of the case is proper.

8. Venue is proper in this Court because this United States District Court embraces the County of Hamilton, State of Tennessee.

9. As required by 28 U.S.C. § 1446(d), promptly after the filing of this notice of removal, the City will give written notice thereof to all adverse parties and will file a copy of the notice with the Clerk of the Chancery Court of Hamilton County, Tennessee, which shall effect the removal, and the State court shall proceed no further unless and until the case is remanded.

WHEREFORE, the City prays that the above-entitled action be removed from the Chancery Court of the State of Tennessee, County of Hamilton, to this Court.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF CHATTANOOGA, TENNESSEE

By: s/ ANDREW TRUNDLE
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Curtis L. Bowe, III, Esq.
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Chattanooga, TN 37421

Fort Wood Neighborhood Association, Inc.
c/o Its Registered Agent Stephen Neil
907 Oak Street
Chattanooga, TN 37403

This 21st day of June, 2024.

s/ANDREW TRUNDLE
ANDREW TRUNDLE
AZARIUS YANEZ

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